

ESTTA Tracking number: **ESTTA556166**

Filing date: **08/26/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91211662
Party	Defendant Derek S. T.
Correspondence Address	D. S. T. PO BOX 2273 GLEN ELLYN, IL 60138-2273 webmaster978@yahoo.com
Submission	Motion to Consolidate
Filer's Name	Derek Scott T.
Filer's e-mail	webmaster978@yahoo.com
Signature	/Derek Scott T./
Date	08/26/2013
Attachments	Amend Motion_to_Consolidate.pdf(171797 bytes)

August 26, 2013

Dear Trademark Trial and Appeal Board,

Re: Amendment - Motion to Consolidate

When transferring the document from a word.doc to a .pdf version, there appeared to be differences in the margins creating some movement, or over-crowding, of the words; in particular, the title of the motion and the page numeration. An amended copy is submitted.

/Derek Scott T./

Timely Answers, Affirmative Defenses by the Defendant were filed concurrently with Defendant's Counterclaim/Petition to Cancel on August 19, 2013 via USPS Express Mail. Copies of the same were mailed to the attorney for the Opposer, via Certified Mail on August 19, 2013. Receipts for both transactions are attached hereto, for the Board's convenience.

“Generally, the Board will not consider a motion to consolidate until an answer has been filed in each case sought to be consolidated. However, the Board may, in its discretion, order cases consolidated prior to joinder of issue.” [Note 6.] TBMP Sec. 305.

Therefore, receipts of both transactions of USPS have been provided to demonstrate timeliness of filings. The appropriate fee of \$ 300, previously submitted per Money Order, location no: 2353 Glen Ellyn, IL., with **notation** above location no: Referencing Petition to Cancel, the Registrant’s No. 4293378, attn: Trademark Trial and Appeal Board.

Consolidation of both cases will enhance the Board’s efficiency and will not unduly complicate the trial because of the common issues.

Whereas the Defendant (Applicant) in Opposition No: 91211662 and now Petitioner, in the Counterclaim/Petition to Cancel of # 4293378 respectfully asks the Honorable Board to grant this Motion to Consolidate.

Respectfully submitted,

/Derek Scott. T./

Date: August 26, 2013

Certificate of Service: A copy of this motion has been mailed via certified mail to Jane Yates, attorney for Plaintiff in Opposition.

P. 2.

(Amended) Motion to Consolidate Answers, Affirmative Defenses with Counterclaim /
Petition to Cancel # 4293378

**Proof of Service to Trademark Trial and Appeal Board, timely filing of
Answers, Affirmative Defenses - Counterclaim/Petition to Cancel:**

#	Your Label Number	Service	Status of Your Item	Date & Time	Location	Features
Result 1	EI661908317US#	Priority Mail Express 1-Day™	Delivered	August 20, 2013, 10:46 am	AL EX AN DR IA, VA 223 14	Scheduled Delivery Day: August 20, 2013, 12:00 pm Money Back Guarantee \$100 insurance included PO to Addressee #Proof of Delivery
			Sorting Complete	August 20, 2013, 9:35 am	AL EX AN DR IA, VA 223 14	
			Arrival at Post Office	August 20, 2013, 9:33 am	AL EX AN DR IA, VA 223 14	
			Depart USPS Sort Facility	August 20, 2013	DU LL ES, VA 201 02	
			Processed through USPS Sort Facility	August 20, 2013, 7:14 am	DU LL ES, VA 201 02	
			Depart USPS Sort Facility	August 19, 2013	CH IC AG O, IL 607 01 CH	
			Processed at USPS Origin Sort Facility	August 19, 2013, 7:45 pm	IC AG O, IL 607 01	

Dispatched to Sort Facility	August 19, 2013, 5:36 pm	GL EN EL LY N, IL 601 37
Acceptance	August 19, 2013, 4:27 pm	GL EN EL LY N, IL 601 37

Proof of Service Copy to Attorney for the Opposition, Jane Yates:

#	Your Label Number	Service	Status of Your Item	Date & Time	Location	Features
Result 1	70081830000257634967 #	First-Class Mail®	Delivered	August 21, 2013, 12:39 pm	EUGENE, OR 97401	Scheduled Delivery Day: August 22, 2013 Certified Mail™
			Depart USPS Sort Facility	August 21, 2013	EUGENE, OR 97401	
			Processed through USPS Sort Facility	August 21, 2013, 3:17 am	EUGENE, OR 97401	
			Processed through USPS Sort Facility	August 20, 2013, 2:26 pm	PORLAND, OR 97220	

Depart USPS Sort Facility	August 20, 2013	CAR OL STR EA M, IL 6019 9
Processed at USPS Origin Sort Facility	August 19, 2013, 9:20 pm	CAR OL STR EA M, IL 6019 9
Dispatched to Sort Facility	August 19, 2013, 5:36 pm	GLE N ELL YN, IL 6013 7
Acceptance	August 19, 2013, 4:25 pm	GLE N ELL YN, IL 6013 7